

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)
_____)

THIS DOCUMENT RELATES TO:)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Abbott Laboratories,)
Inc., Civil Action No. 06-11337-PBS;)

MDL No. 1456

Civil Action No. 01-12257-PBS

Hon. Patti B. Saris

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey, Inc., et al., Civil)
Action No. 05-11084-PBS; and)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)

JUNE 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR
VEN-A-CARE OF THE FLORIDA KEYS

The United States of America (“United States”) and Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or the “Relator”), Plaintiffs, through their undersigned counsel, respectfully file the attached Status Report for June 2008, in accordance with the Court’s June 17, 2004, Procedural Order.

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc., v. Abbott Laboratories, Inc. MDL Docket Number 06-11337 Original Jurisdiction: U. S. District Court Southern District of Florida		
Item No.	Pending Motions	Hearing Date
1.	<p>(Docket #4711) Abbott Laboratories, Inc.’s Motion For a Preservation Order and Affidavit Regarding Spoliation Issues</p> <ul style="list-style-type: none"> • (Docket #4744) United States’ Unopposed Motion to Enlarge Time • (Docket #4808) United States’ Response to Defendant Abbott’s Motion for a Preservation Order. • (Docket #4820) Abbott Laboratories Inc.’s Unopposed Motion for Leave to File a Reply Memorandum in Support of Motion for a Preservation Order and Affidavit Regarding Spoliation Issues • (Docket #4883) Abbott Laboratories, Inc.’s Renewed Motion for Leave to File Reply in Support of Its Motion for a Preservation Order and Affidavit Regarding Spoliation Issues 	
2.	<p>(Docket #5035) Abbott Laboratories, Inc.’s Motion to Compel Ven-A-Care to Provide Adequate Responses to Abbott's Fourth Set of Interrogatories</p> <ul style="list-style-type: none"> • (Docket #5057) Relator’s Opposition to Abbott Laboratories, Inc.’s Motion to Compel Ven-A-Care to Provide Adequate Responses to Abbott's Fourth Set of Interrogatories 	
3.	<p>(Docket #5112) Abbott Laboratories, Inc.’s Motion to Compel Testimony of Government Witnesses</p> <p>(Docket #5115) Abbott’s Memorandum in Support of Its Motion to Compel Testimony of Government Witnesses</p> <ul style="list-style-type: none"> • (Docket #5144) Memorandum by United States in Opposition to Abbott’s Motion to Compel Testimony of Government Witnesses • (Docket #5151) Abbott Laboratories, Inc.’s Unopposed Motion for Leave to File Reply in Support of Its Motion to Compel Testimony of Government Witnesses 	

4.	<p>(Docket #5128) United States' Motion to Quash the Subpoenas of Ira Burney and Debbie Chang and in Support of a Protective Order</p> <p>(Docket #5129) Memorandum in Support of United States' Motion to Quash the Subpoenas of Ira Burney and Debbie Chang and in Support of a Protective Order</p> <ul style="list-style-type: none"> ● (Docket #5135) Abbott Laboratories Inc.'s Opposition Motion to the United States' Motion to Quash the Subpoenas of Ira Burney and Debbie Chang and in Support of a Protective Order ● (Docket #5149) Motion for Leave to File the United States' Reply to Abbott Laboratories Inc.'s Opposition to the United States' Motion to Quash the Subpoenas of Ira Burney and Debbie Chang and in Support of a Protective Order 	
5.	<p>(Docket #5156) United States' Motion for a Protective Order Regarding Abbott's Rule 30(b)(6) Notices</p> <p>(Docket #5157) Memorandum in Support of United States' Motion for a Protective Order Regarding Abbott's Rule 30(b)(6) Notices</p> <ul style="list-style-type: none"> ● (Docket #5177) Defendant Abbott Laboratories, Inc.'s Response to the United States' Motion for a Protective Order Relating to Abbott's Requests for Depositions Under Rule 30(b)(6) ● (Docket #5202) United States' Unopposed Motion for Leave to Reply to Abbott Laboratories Inc.'s Opposition to the United States' Motion for a Protective Order Regarding Abbott's Rule 30(b)(6) Notices 	
6.	<p>(Docket #5173) Abbott Laboratories, Inc.'s Motion to Compel Production of Documents from the United States</p> <ul style="list-style-type: none"> ● (Docket #5254) Memorandum by the United States in Opposition to Abbott's Motion to Compel the Production of Documents ● (Docket #5275) Motion for Leave to File Reply in Support of Motion to Compel Production of Documents by Abbott Laboratories, Inc.. 	

7.	<p>(Docket #5174) Abbott Laboratories, Inc.'s Motion to Compel Sufficient Responses to Abbott's Requests for Admissions</p> <p>(Docket #5175) Memorandum in Support of Abbott Laboratories, Inc.'s Motion to Compel Sufficient Responses to Abbott's Requests for Admissions</p> <ul style="list-style-type: none"> ● (Docket #5255) United States Response to Abbott Laboratories, Inc.'s Motion to Compel Sufficient Responses to Abbott's Requests for Admissions 	
8.	(Docket #5176) Joint Motion for Enlargement of Time to Complete Six Depositions	
9.	(Docket #5178) Motion for Extension of Time to April 25, 2008 to Produce Documents and a Privilege Log by United States	
10.	<p>(Docket #5179) United States' Motion to Compel the Production of Documents and Deposition Testimony</p> <p>(Docket #5180) Memorandum in Support of United States' Motion to Compel the Production of Documents and Deposition Testimony</p> <ul style="list-style-type: none"> ● (Docket #5258) Abbott Laboratories Inc.'s Response in Opposition to Plaintiff's Motion to Compel Documents and Deposition Testimony ● (Docket #5273) Motion for Leave to File Reply to Abbott's Response to the United States' Motion to Compel Production of Documents and Witnesses by United States with attached Reply 	
11.	(Docket #5181) Motion for Extension of Time to April 25, 2008 to Complete Document Production by Abbott Laboratories, Inc.	

12.	<p>(Docket # 5256) Motion for Certificate of Appealability for Interlocutory Appeal of Court's November 9, 2007 and March 12, 2008 rulings on Deliberative Process Privilege by Abbott Laboratories, Inc.</p> <ul style="list-style-type: none"> ● (Docket #5281) Memorandum of Law by Dey, L.P., Inc., Dey Inc., Dey LP to 5256 Motion for Certificate of Appealability for Interlocutory Appeal of Court's November 9, 2007 and March 12, 2008 rulings on Deliberative Process Privilege. ● (Docket #5283) Declaration re 5256 Motion for Certificate of Appealability for Interlocutory Appeal of Court's November 9, 2007 and March 12, 2008 rulings on Deliberative Process Privilege by Dey, L.P., Inc., Dey Inc., Dey LP. ● (Docket #5286) Response to Motion re 5256 Motion for Certificate of Appealability for Interlocutory Appeal of Court's November 9, 2007 and March 12, 2008 rulings on Deliberative Process Privilege filed by United States ● (Docket #5343) Assented to Motion for Leave to File Reply in Support of Its Request for Certification of Interlocutory Appeal Under 28 U.S.C. Sec. 1292(b) by Abbott Laboratories, Inc. with attached Reply 	
13.	<p>(Docket # 5276) Motion to Compel Return of Inadvertently Produced Privileged Documents by Abbott Laboratories, Inc.</p> <ul style="list-style-type: none"> ● (Docket #5344) Opposition re 5276 Motion to Compel Return of Inadvertently Produced Privileged Documents filed by United States 	

	United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc., et al., MDL Docket No. 05-11084-PBS Original Jurisdiction: United States District Court, District of Massachusetts	
Item No.	Pending Motions	Hearing Date
1.	(Docket #5345) Motion for Expedited Clarification of the Governing Case Management Orders <ul style="list-style-type: none"> • (Docket #5346) Memorandum In Support of Motion for Expedited Clarification of the Governing Case Management Orders 	

	United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al., MDL Docket No. 07-10248-PBS Original Jurisdiction: United States District Court, District of Massachusetts	
Item No.	Pending Motions	Hearing Date
1.	(Docket #5345) Motion for Expedited Clarification of the Governing Case Management Orders <ul style="list-style-type: none"> • (Docket #5346) Memorandum In Support of Motion for Expedited Clarification of the Governing Case Management Orders 	

Respectfully Submitted,

For the United States of America,

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June 2, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above "JUNE 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS" to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

s/ Mark Lavine

Dated: June 2, 2008